

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MINNESOTA**

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Woodbury Lodging, LLC  
d/b/a Norwood Inn & Suites,

Court File No.: \_\_\_\_\_  
Judge: \_\_\_\_\_

Plaintiff,

v.

Integrity Mutual Insurance Company,

Defendant.

**INTEGRITY MUTUAL INSURANCE  
COMPANY'S NOTICE OF  
REMOVAL OF ACTION UNDER 28  
U.S.C. § 1332 AND 1441**

Defendant, Integrity Insurance Company, f/k/a Integrity Mutual Insurance Company (“Integrity”) files this Notice of Removal of the above-captioned action from the District Court of the Fifth Judicial District, County of Nobles, State of Minnesota, to the United States District Court for the District of Minnesota pursuant to 28 U.S.C. §1332(a) and 28 U.S.C. §1446. This removal is based on diversity of citizenship and the amount in controversy exceeding \$75,000 under the federal removal statute, 28 U.S.C. §1441. In support of this Notice of Removal, Integrity respectfully states as follows:

1. Plaintiff commenced an action against Integrity by service of a summons and complaint upon CT Corporation System, Inc. (Ex. 1).
2. This is a civil action over which this Court has jurisdiction because Plaintiff alleges it is a Minnesota Corporation (Comp’t, ¶2; Summons and Complaint are attached as Ex. 2).

3. According to the Minnesota Secretary of State, Plaintiff is a Minnesota Limited Liability Company and has been so since 2013, its registered office and the address of its chief manager is 2401 Prior Avenue North, Roseville, MN 55113 (Ex. 3).

4. According to public records, Plaintiff's manager and registered agent is Percy Pooniwala (Ex. 4). Upon information and belief, Mr. Pooniwala is the sole member of Woodbury Lodging, LLC. Mr. Pooniwala is a citizen of the state of Minnesota.

5. Defendant Integrity is an Ohio corporation. Integrity's statutory address is 671 S. High Street, Columbus, Ohio (Comp't, ¶4). Integrity is a citizen of the state of Ohio (Ex. 5).

6. Plaintiff Woodbury Lodging, LLC d/b/a Norwood Inn & Suites is the named insured under a policy of insurance issued by Integrity. Plaintiff insured has brought a direct action against its own insurer (Comp't, ¶¶5, 6).

7. Plaintiff's action against Integrity under the policy of insurance concerns alleged damage to real property located in Worthington, Nobles County, Minnesota (Comp't, ¶2).

8. Plaintiff's action against Integrity includes claims for declaratory judgment, breach of contract and unjust enrichment (Comp't, generally).

9. Plaintiff's claims against Integrity seek damages of \$469,000 and \$874,081.37 (Comp't, ¶21).

10. This case is removable by Integrity based on diversity of citizenship and the amount in controversy exceeding \$75,000. Accordingly, Integrity has grounds to remove this case based on 28 U.S.C. §1332(a).

11. This Notice of Removal is timely. The 30-day removal period prescribed by 28 U.S.C. §1446(b) begins to run when defendant receives a copy of the initial pleading setting forth the claim for relief from which it may first be ascertained that the case is removable. Integrity was served on April 10, 2020. This Notice of Removal, which is being filed within 30 days of Integrity's receipt of the Complaint, is timely under 28 U.S.C. §1446(b).

12. Jurisdiction is based on 28 U.S.C. §§1332 and 1441as set forth above.

13. Venue is proper in the United Stated District Court for the District of Minnesota because the state court action, which is subject to this removal petition, was brought in the Nobles County District Court in the State of Minnesota, where it is alleged all parties are subject to personal jurisdiction. At the time of this Notice of Removal, the action had not yet been filed in Nobles County District Court.

14. This is a civil action over which this Court has original jurisdiction under 28 U.S.C. §1332, and is removable to this Court by Integrity pursuant to the provisions of 28 U.S.C. §1441(a),(b) in that it is a civil action between two parties who are citizens of different states and the amount in controversy exceeds \$75,000.

15. Notice of filing the removal has been filed with the state court and provided to all adverse parties pursuant to 28 U.S.C. 1446(d). A copy of the Notice of Filing Notice of Removal, in the form in which it will be filed and served, is attached hereto as Exhibit 6.

WHEREFORE, Defendant Integrity requests that this court assume jurisdiction over this matter on removal from the District Court of the Fifth Judicial District, County of Nobles, in the State of Minnesota.

Dated: April 24, 2020

**ELLIOTT LAW OFFICES, P.A.**

/s/ Dawn L. Gagne

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